

**Notice of Allowability**

Application No.

10/051,829

Examiner

Christopher R. Magee

Applicant(s)

MIYAKE, TOMOYUKI

Art Unit

2653

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment after final on 9/1/2005.
2. ☒ The allowed claim(s) is/are 1 and 4-29.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some\* c) ☐ None of the:
- ☒ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.


Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |   |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)           |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment                              |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance  |
|   | 9. <input type="checkbox"/> Other _____   |

  
**ANGEL CASTRO**  
**PRIMARY EXAMINER**

## DETAILED ACTION

### *Response to Amendment*

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.
2. The reply filed 9/1/2005 was applied to the following effect: All relevant objections and rejections are withdrawn as being satisfied.

### *Reasons for Allowance*

3. Claims 1 and 4-29 are allowed.

The following is an examiner's statement of reasons for allowance:

This application is for a DISK CARTRIDGE AND DISK RECORDING AND REPRODUCING APPARATUS.

- **Claim 1** specifies disk cartridge, which requires:

*"wherein a hole is provided in said second cartridge, and a hole in said first cartridge is provided at the same coordinate position or a same radial position as said hole in said second cartridge with respect to a disk center location in said disk recording and reproducing apparatus, regardless of the respective diameters of said first and second disk recording mediums in said first and second cartridges."*

- **Claim 28** specifies disk recording and reproducing apparatus, in a disk cartridge requires:

*"a hole is provided in said another cartridge, and a hole in said loaded cartridge is provided at the same coordinate position or a same radial position as said hole in said another cartridge with respect to a disk center location in said disk recording and reproducing apparatus, regardless of the respective diameters of said first and second disk recording mediums."*

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The prior art of record, Seo et al. '971, fail to fairly, teach, show or suggest, by either anticipating or rendering obvious, the invention as set forth in the claims of the instant application. Furthermore, a search made does not detect the combined claimed elements as set forth in the pending claims. Additionally, the reasons for allowance of the claims over the prior art of record is believed to be readily clear, self evident and apparent from the claim language set forth in each of claims 1 and 28, when compared and contrasted with the prior art.

More particularly, the instant invention (as set forth in claims 1 and 28) claims a hole that is provided in said second cartridge, and a hole in said first cartridge that is provided at the same coordinate position or a same radial position as said hole in said second cartridge with respect to a disk center location in said disk recording and reproducing apparatus, regardless of the respective diameters of said first and second disk recording mediums in said first and second cartridges. None of the cited prior art of record, however, do not disclose such a hole that is provided in said second cartridge, and a hole in said first cartridge that is provided at the same coordinate position or a same radial position as said hole in said second cartridge with respect to a disk center location in said disk recording and reproducing apparatus, regardless of the respective diameters of said first and second disk recording mediums in said first and second cartridges, as set forth in the manner, function and relationship relative to other claimed structures as prescribed by the independent claims.

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- **Claims 4, 20, 25 and 26** specify a disk recording and reproducing apparatus which requires:

*“a length of said hole being indicative of a difference in disk diameter between a minimum diameter disk recording medium and (a) said first diameter of said first disk recording medium or (b) the outer most operational position of said pickup”*

Fujisawa teaches at least one hole [7] for recognizing a relation in size between a disk diameter of a second disk cartridge which contains a second disk recording medium having a different disk diameter and a disk diameter of the first cartridge [English translation; sections 0011 & 0012] but does not show, teach, or suggest the applicant's invention as claimed above.

- **Claims 5, 10 and 15** specify a disk recording and reproducing apparatus which requires:

*“wherein said restricting member detects said disk diameter of the disk recording medium positioned in said recording and reproducing apparatus through one of said plurality of holes and restricts radial movement of said pickup to not less than the said predetermined radius.”*

Seo et al. '971 shows a restriction member [66], which determines the position of the smaller disc cartridge [210] on tray [20] but does not show, teach, or suggest the applicant's invention as claimed above.


4. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”


*Conclusion*

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher R. Magee whose telephone number is (571) 272-7592. The examiner can normally be reached on M-F, 8: 00 am-5: 30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Korzuch can be reached on (571) 272-7589. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
**ANGEL CASTRO**  
**PRIMARY EXAMINER**

  
Christopher R. Magee  
Patent Examiner  
Art Unit 2653

November 10, 2005  
crm